IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 11394-M of 2007

DATE OF DECISION : 23.02.2007

Irshad

.... PETITIONER

Versus

State of Haryana and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Petitioner, who is complainant, has filed this petition under Section 439 (2) of the Code of Criminal Procedure for cancellation of regular bail granted to respondent No.2 Sanjeev alias Raja, who was declared juvenile by the competent court.

The bail was granted to respondent No.2 vide order dated 18.1.2007, while observing as under :-

> "Our own Hon'ble High Court has held in **Baljinder alias Bantu Vs. U.T. Chandigarh 2005 (1) C.C.J. P&H 338** while relying on **Manmohan Singh Vs. State of Punjab 2004 (3) Criminal Court Cases P&H 502** that it is mandatory for the juvenile court to release a juvenile on bail with or without surety if such juvenile is arrested or detained or appears or is brought before a Juvenile Board in a bailable or non bailable offence notwithstanding anything contained in the Code of Criminal Procedure. In the above noted case, accused who was a juvenile was involved in a case under section 302 of the Indian Penal Code. It was held that merely because the accused was alleged to have committed a heinous crime it could not be

said that his release will defeat the ends of justice. Similarly in Manmohan Singh Vs. State of Punjab (supra) it was held that merely because accused was alleged to have caused injuries to the deceased by a sharp edged weapon and caused his death he could not be denied the benefit of bail. In Parveen alias Fattey Vs. State of Haryana (supra) it was held that further detention of the juvenile in custody may cause him more than good. If he is released on bail and allowed to return home then the soothing effect of love and affection of his parents and family may be of some help in softening his attitude towards society and may not expose him to further psychological harm. Taking into consideration the circumstances of the case and applying ratio of the above said rulings I find it a fit case for release of the accused who is in custody since 26.3.2006 on bail. Accordingly, the application is accepted. Accused Sanjeev alias Raja is ordered to be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of Principal Magistrate, Juvenile Justice Board, Karnal (Chief Judicial Magistrate), Karnal. However, the guardian of the accused shall file an undertaking to this effect that he/she will take care of the accused and shall not allow him come into association of known criminals and expose him to moral, physical and psychological danger."

After hearing counsel for the petitioner-complainant, I do not find any ground to cancel the regular bail granted to the aforesaid juvenile.

Dismissed.

February 23, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**